

Practitioners Docket No. RVSI-013A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of : Curtis W. Howes, Et Al
Application Serial N. : 09/804,811 - Group No. :2135
Filed : 03/13/2001 - EXAMINER :TRUONG, T.H.
For : SECURE TRACKING OF ARTICLES

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

ATTN: Board of Patent Appeals and Interferences

APPELLANT'S REPLY BRIEF

Appellants, respectfully, further clarify the issues raised in the Examiner's Answer, mailed June 13, 2006 in respect of this matter and as set out hereinafter as follows:

1. Appellants duly note that the Examiner, in the Examiner's Answer mailed June 13, 2006, for the first time during the [prosecution of this application applies Leighton et al (USA 4,879,747). As such the Examiner has improperly re-opened the prosecution of this application without giving Appellants the opportunity to respond and argue deficiencies of Leighton et al in respect of the claimed subject matter; or to modify claims if Appellant determined that it would advance the prosecution by doing so.

CERTIFICATE OF MAILING/TRANSMISSION - [37 C. F. R. 1.8 (a)]

I hereby certify that this correspondence is, on the date below:

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Date August 14, 2006


MORRIS I. POLLACK Reg. N . 20,270

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Appellants Reply Brief

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2. The Examiner clearly recognizes that Rose neither shows, describes or suggests encryption of login as set out in claims, 49, 53 and 54 and the respective claims dependent therefrom. The Examiner proceeds at length about what Rose shows and describes and that the user's accessing Rose have assigned passcodes. Leighton et al merely describes a more complex passcode sytem, BUT no where in Leighton et al is there a showing, suggestion or a teaching of encryption of the login. Accordingly neither Leighton et al or Rose show, describe or suggest the claimed encryption of logins.

3. The Examiner alledges that Rose teaches that the claimed security number of claim 52 and the claims dependent therefrom is applied to the article to be tracked and that it is of the material of the article. A paper title with a vehicles VIN number is not of the material of the vehicle neither is the license plate. Rose does not describe, show or suggest encoded security marking directly to the articles and of the material of the respective articles as set out in claim 52 and the claims dependent from claim 52 as well as claim 56 and the claims dependent from claim 56.

FOR THE ABOVE REASONS, AND FOR THE REASONS SET OUT IN APPELLANT'S BRIEF, CLAIMS 2-16, 18-32 and 34-56 ARE NOT ANTICIPATED BY, AND PATENTABLY DISTINGUISH OVER, THE ART APPLIED THEREAGAINST. ACCORDINGLY, THE EXAMINER'S REJECTIONS SHOULD BE REVERSED, THE APPLICATION AND CLAIMS ALLOWED AND THE APPLICATION PASSED TO ISSUE; AND SUCH ACTION IS COURTEOUSLY SOLICITED.

Appellants are of the opinion that there is no fee required for the filing of this Reply Brief, However if there is a Fee kindly charge same against Derosit Account No. 502966. A duplicate of thi paper is included.

DATE AUGUST 14, 2006


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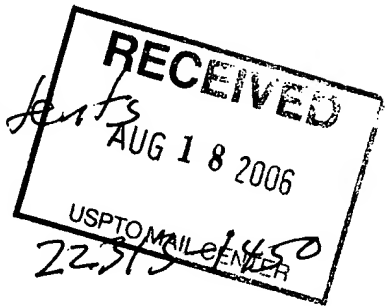
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